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8 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

14 UNITED STATES OF AMERICA, ) No. CR 07-0589 PJH  
15 Plaintiff, )  
16 v. )  
17 D'MARQUES ANTHONY LUCKETT, ) STIPULATION AND [PROPOSED]  
18 Defendant. ) ORDER EXCLUDING TIME FROM  
OCTOBER 9, 2007 THROUGH  
OCTOBER 25, 2007

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20  
21 On October 9, 2007, the parties in this case appeared before the Court for an arraingment. At  
22 that time, the parties stipulated that time should be excluded from the Speedy Trial Act  
23 calculations from October 9, 2007 through October 25, 2007, due to the pending detention  
24 motion by the government, and the effective preparation and continuity of defense counsel. The  
25 parties represented that granting the continuance was the reasonable time necessary for the  
26 continuity and effective preparation of defense counsel, taking into account the exercise of due  
27 diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agreed that the ends of justice  
28 served by granting such a continuance outweighed the best interests of the public and the

STIP. AND ORDER  
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1 defendant in a speedy trial. See 18 U.S.C. § 3161(h)(8)(A).

2 SO STIPULATED:

3 SCOTT N. SCHOOLS  
United States Attorney

4 DATED: 10/23/2007

/s/ Derek Owens

5 DEREK R. OWENS  
Assistant United States Attorney

6 10/23/2007

/s/ Steve Kalar

7 DATED: \_\_\_\_\_

8 STEVE KALAR  
9 Attorney for D'Marques Anthony Luckett

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11 As the Court found on October 9, 2007, and for the reasons stated above, the Court finds that  
12 an exclusion of time between October 9, 2007 through October 25, 2007, is warranted and that  
13 the ends of justice served by the continuance outweigh the best interests of the public and the  
14 defendant in a speedy trial. See 18 U.S.C. §3161 (h)(8)(A). The failure to grant the requested  
15 continuance would deny defense counsel the reasonable time necessary for continuity and  
16 effective preparation, taking into account the exercise of due diligence, and would result in a  
17 miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B)(iv).

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19 SO ORDERED.

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21 DATED: \_\_\_\_\_

22 THE HONORABLE JAMES LARSON  
23 United States Magistrate Judge